

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	17 CR 95-3
vs.)	
)	Hon. Rodney W. Sippel
OSCAR DILLON, et. al.)	

DEFENDANT BURRIS'S PROPOSED JURY INSTRUCTION

Comes now the Defendant, ROY W. BURRIS, by and through his attorney, Beau B. Brindley, and provides the following proposed jury instruction:

Burris No. 1.

MULTIPLE CONSPIRACIES

If the Government has failed to prove beyond a reasonable doubt the existence of the conspiracy which is charged, then you must find the defendant not guilty, even though some other conspiracy did exist or might have existed. Likewise, if the Government has failed to prove beyond a reasonable doubt that the defendant was a member of the conspiracy which is charged, then you must find the defendant not guilty even though he may have been a member of some other conspiracy. But proof that a defendant was a member of some other conspiracy would not prevent you from returning a guilty verdict, if the Government also proved that he was a member of the conspiracy charged in the indictment.

Eight Circuit Pattern Jury Instruction 5.06 fn2
Citing United States v. Adipietro, 983 F.2d 1468, 1475 n.7 (8th Cir. 1993); *United States v. Sawyers*, 963 F.2d 157, 161 (8th Cir. 1992); and *United States v. Figueroa*, 900 F.2d 1211, 1216 (8th Cir. 1990).